

Decision No. 88442 JAN 31 1978

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the CITY OF FREMONT for an order authorizing construction of a crossing at separated grades between Durham Road and Grimmer Blvd. and the tracks of the Southern Pacific Transportation Company and The Western Pacific Railroad Company, sometimes referred to as the "Durham Road Overhead" and "Grimmer Blvd. Underpass" M.P. 34.2 and 34.8 Southern Pacific; and M.P. 4.7 and 5.3 Western Pacific.

Application No. 56969
(Filed December 29, 1976)

O P I N I O N

The City of Fremont requests authority to construct Durham Road at separated grades over, and Grimmer Boulevard at separated grades under, the tracks of the Southern Pacific Transportation Company and The Western Pacific Railroad Company in the City of Fremont, Alameda County.

The priority list of grade separation projects for the fiscal year 1977-78, as set forth in Decision No. 87496, shows this project as Priority No. 7.

The City of Fremont is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended. After review of an Environmental Impact Report, the City of Fremont approved the project and on November 29, 1977, filed a Notice of Determination with the Alameda County Clerk which found that "the project does have a significant effect on the environment".

Unavoidable adverse impacts of the project include loss of a minor amount of agricultural land and some displacement of residential and industrial yards. The City of Fremont would be responsible for providing relocation benefits attendant to any real property displacement.

The other primary impact would be the intrusive effect of traffic on residences fronting the new streets. While noise levels would be increased, a series of mitigation measures have been recommended for inclusion in the project.

Notice of the application was published in the Commission's Daily Calendar on December 30, 1976. No protests have been received. A public hearing is not necessary.

F I N D I N G S

After consideration, the Commission finds:

1. Applicant should be authorized to construct Durham Road at separated grades over (Durham Road Overhead) and Grimmer Boulevard at separated grades under (Grimmer Boulevard Underpass) the tracks of the Southern Pacific Transportation Company and The Western Pacific Railroad Company in the City of Fremont, Alameda County, at the location and substantially as shown by plans attached to the application. The Durham Road Overhead crossing of the tracks of the two railroads should be identified as Crossings Nos. DA-34.2-A and 4G-4.7-A, and the Grimmer Boulevard Underpass crossing of the tracks of the two railroads should be identified as Crossings Nos. DA-34.8-B and 4G-5.3-B, respectively.
2. Clearances should be in accordance with General Order No. 26-D, except that during the period of construction, a clearance of not less than 21' 6" above top of rail is authorized over the tracks of the Southern Pacific Transportation Company and 21' 0" above top of rail over the tracks of The Western Pacific Railroad Company. The railroads are authorized to operate over their respective tracks with such reduced overhead clearances provided that instructions are issued by the railroads and filed with the Commission forbidding employees to ride on the tops of cars.
3. Applicant should notify the Commission and the affected railroad at least 15 but not more than 30 days in advance of the date when the temporary impaired clearance will be created.
4. Walkways should conform to General Order No. 118. Walkways adjacent to any trackage subject to rail operations should be maintained free of any obstructions and should be promptly restored to their original condition in the event of damage during construction.
5. Upon completion of the project, the existing Prune Avenue (Crossings DA-34.7 and 4G-5.2) and Warm Springs Boulevard (Crossings DA-35.2 and 4G-5.7) grade crossings should be abandoned and physically closed.

6. Construction and maintenance costs should be borne in accordance with agreements to be entered into among the parties relative thereto, and copies of said agreements, together with plans of the crossings approved by the Southern Pacific Transportation Company and The Western Pacific Railroad Company, should be filed with the Commission prior to commencing construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

7. Applicant is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended, and on June 28, 1977, approved its final Environmental Impact Report which has been filed with the Commission. The Commission has considered applicant's final Environmental Impact Report and Notice of Determination and finds that the benefits of the proposed project outweigh any adverse effects and that the proposed project should be approved.

C O N C L U S I O N S

On the basis of the foregoing findings, we conclude that the application should be granted as set forth in the following order:

O R D E R

1. The City of Fremont is authorized to construct the Durham Road Overhead over, and the Grimmer Boulevard Underpass under, the tracks of the Southern Pacific Transportation Company and The Western Pacific Railroad Company in the City of Fremont, Alameda County, as set forth in the findings of this decision.

2. Within thirty days after completion, pursuant to this order, applicant shall so advise the Commission in writing.

This authorization shall expire if not exercised within three years unless time be extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity or safety so require.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Diego, California, this 31st day of JANUARY, 1978.

Robert Bateman
President
William Sproun, Jr.
Richard W. Lovell
Clare T. DeWitt
Commissioners

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.